

0041



PO Box 310  
Huntington, Utah 84528

New Application  
task 2606

OK

Refer to Expandable 08112006  
file in C0150017, 2006 INCOMING  
for additional information

August 11, 2006

Utah Coal Program  
Utah Division of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

*Reopening*  
*8/15/2007*

**Subj: Post Mining Land Use Change for the Des-Bee-Dove Mine, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Emery County, Utah.**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an application to amend the post mine land use for the Des-Bee-Dove Mine site. The grounds for which application is being submitted is explained in detail below.

The reclamation of the Des-Bee-Dove Mine site has been an on-going process since 1997 when Energy West submitted to the Division of Oil Gas and Mining a Notice of Intent to reclaim the mine including the portion of the haul road within the permit area. Shortly after this notice, Energy West received a letter from the Emery County Road Department which stated that there may be some public interest in conveying and adding the haul road into the county road system.

Interested in this proposal, Energy West and Emery County met to discuss the disposition of the haul road. As a result of this meeting and subsequent meetings with State and Federal agencies that possessed the rights of way of the road, an agreement was drafted to transfer all rights and responsibilities to Emery County. As part of the transfer of the road to the County, Energy West was required to change the post mining land use and apply for Phase III Bond release to remove the road from the permit area. The land use at that current time was grazing and wildlife. Post mining land use would need to include grazing, wildlife, recreation, and industrial to complete the transaction. Final approval for Phase III Bond Release and post mining land use change was granted by the Division of Oil Gas and Mining on September 1, 1998.

In 1999, final reclamation of the Pumphouse area was completed. This area is located directly below the mine site along the access road. Also in 1999, demolition of the facilities of the Des-Bee-Dove Mine commenced.

In 2001, backfilling and grading of the (Little Dove and Beehive Mine) upper mine (Little Dove and Beehive Mine) began. Final reclamation of the ~~Des-Bee-Dove~~ mine complex would be

Huntington Office:  
(435) 687-9821  
Fax (435) 687-2695  
Purchasing Fax (435) 687-9092

**AUG 17 2006**

DIV. OF OIL, GAS, AND MINING

Deer Creek Mine:  
(435) 687-2317  
Fax (435) 687-2285

completed in 3 phases. Phase 1 was the completion of the upper mine. Phase 2 was the completion of the lower mine (Deseret Mine), bathhouse pad, and access road. Phase 3 was the completion of the sediment pond and access road. Phase 3 was completed on January 31, 2006.

In April 2006, Phase I Bond Release was submitted to the Division of Oil Gas and Mining for the Phase 1, Phase 2, and Pumphouse reclaimed areas. Since that time, XTO Energy Inc. has expressed interest in placing a gas well (Utah Federal 17-7-25-14) along the lower portion of the reclaimed access road near the Pumphouse area. This location is within the Des-Bee-Dove Mine permit boundary and disturbed area and better described as an area within the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, Township 17 South, Range 7 East, SLB&M. The surface managing agency is the United States Forest Service. An Application Permit to Drill has been submitted by XTO Energy Inc. to the Division of Oil Gas and Mining.

The well pad will be located approximately 280 feet from the turn-around at the end of the county road. Dimensions of the pad, as stated in the Application Permit to Drill, is approximately 170 feet wide by 260 feet long. XTO Energy Inc. anticipates drilling operations to begin late 2006 to early 2007.

The current land use for this area is described in the Des-Bee-Dove Mine permit as grazing and wildlife. As mentioned above, an alternative post mining land use change was approved in 1998 to add recreation and industrial use to the portion of the haul road being removed from the permit. However, the post mining land use change did not include the entire Des-Bee-Dove permit area.

The entire Des-Bee-Dove mine permit area has the potential to occur additional uses such as recreation and additional mineral development. For instance, ATV enthusiasts have expressed interest in utilizing the present cattle trail that accesses East Mountain as part of the Arapeen Trail System. This trail system criss-crosses throughout the southern portion of the Wasatch Plateau. Coal Bed Methane extraction is occurring throughout the Carbon and Emery counties.

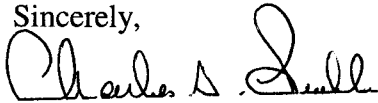
Energy West submits this application for a post mining land use change to allow for higher and better uses of this land that are consistent and applicable with the adjacent land use policies and plans. This request will change the current post mining land use of the Des-Bee Dove Mine permit area from grazing and wildlife to grazing, wildlife habitat, recreation, and mineral development (including oil and gas development). Following this application will be an application for Phase III Bond Release of the area affected by the proposed drilling operation. By applying for Phase III Bond Release, Energy West requests that they be released of responsibility for any impacts occurring from the XTO Energy drilling operation.

Attached with this application is the information required for a post mining land use change:

- ▶ Map showing the affected area within the permit.
- ▶ Legal description of area proposed for post mining land use change.
- ▶ Narrative describing the approved land use information.
- ▶ Narrative describing the proposed post mining land use.
- ▶ Letters of consent from land owners and local government.
- ▶ Copies of permits that have been made which require a post mining land use change.
- ▶ Submission of text changes (seven copies) in current Mining and Reclamation Plan along with appropriate C1/C2 forms for insertion into the permit.

If you have any questions or concerns with this submittal, please contact myself at (435) 687-4720 or Dennis Oakley at (435) 687-4825.

Sincerely,



Chuck Semborski  
Geology and Permitting Manager

cc Kyla Vaughn (XTO Energy)  
Scott Child (IMC w/o encl.)  
Eileen Richmond (USFS w/o encl.)  
Kurt Higgins (SITLA w/o encl.)  
Gary Reimer (BLM w/o encl.)  
File

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: PacifiCorp

Mine: Des Bee Dove Mine

Permit Number: C/015/0017

Title: Post Mining Land Use Change for the Des-Bee-Dove Mine, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Emery County, Utah

Description, Include reason for application and timing required to implement:

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: \_\_\_\_\_ Disturbed Area: \_\_\_\_\_ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# \_\_\_\_\_
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☐ Yes ☒ No 6. Does the application require or include public notice publication?
- ☐ Yes ☒ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☒ Yes ☐ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # \_\_\_\_\_
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies?
- Explain: \_\_\_\_\_
- ☒ Yes ☐ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☐ Yes ☒ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☐ Yes ☒ No 15. Does the application require or include soil removal, storage or placement?
- ☐ Yes ☒ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☐ Yes ☒ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☐ Yes ☒ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☐ Yes ☒ No 19. Does the application require or include certified designs, maps or calculation?
- ☐ Yes ☒ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☐ Yes ☒ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

**Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you.** (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Charles A. Semborski  
Print Name

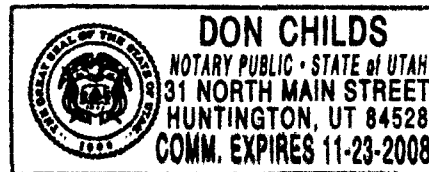
Charles A. Semborski Geology/Permitting Supervisor 8-14-06  
Sign Name, Position, Date

Subscribed and sworn to before me this 14th day of AUGUST, 2006

[Signature]  
Notary Public

My commission Expires: November 23, 2008

Attest: State of UTAH } ss:  
County of EMERY



<b>For Office Use Only:</b>	<b>Assigned Tracking Number:</b>	<b>Received by Oil, Gas &amp; Mining</b>

Form DOGM- C1 (Revised March 12, 2002)

# APPLICATION FOR COAL PERMIT PROCESSING

## Detailed Schedule Of Changes to the Mining And Reclamation Plan

**Permittee:** PacifiCorp

**Mine:** Des Bee Dove Mine

Permit Number: C/015/0017

**Title:** Post Mining Land Use Change for the Des-Bee-Dove Mine, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Emery County, Utah

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

**DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED**

[illegible]

**Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.**

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